

# CALIFORNIA CORRECTIONS STANDARDS AUTHORITY

## 2009 STATUS OFFENDER DETENTION REPORT

### INSTRUCTIONS

#### GENERAL INFORMATION

The Juvenile Justice and Delinquency Prevention Act of 2002 (JJDP A)<sup>1</sup> requires the CSA to monitor juvenile detention facilities for compliance with the following core requirement:

**Deinstitutionalization of Status Offenders (JJDP A Section 223 (a) [11]):**

Minors who are charged with only a status offense (Welfare and Institutions Code [WIC] § 601) or who are nonoffenders (WIC § 300) must not be held in secure detention.

Compliance with JJDP A core requirements is required for California to receive its portion of Title II Formula Grant Funds for prevention and intervention and Title V Community Prevention Grant Funds.

In accordance with the JJDP A, the CSA is required to submit the number of status offenders and nonoffenders held in secure detention annually to the Office of Juvenile Justice and Delinquency Prevention (OJJDP), in addition to reporting any violations of the JJDP A. This survey is designed to assist the CSA with data collection and reporting requirements.

Summary of the JJDP A: Juvenile Detention or Correctional Facilities	
<b>Accused juvenile status offender</b>	Secure hold limited to 24 hours prior to and 24 hours after an initial court appearance (excluding weekends and holidays).
<b>Adjudicated juvenile status offender (WIC 601 Ward of the Court)</b>	Secure holding prohibited.
<b>Status offender accused of violating a valid court order (WIC 601 Ward of the court pending finding of contempt of court)</b>	Juvenile must be interviewed by an appropriate public agency within 24 hours of being placed in secure custody. The court must receive an assessment from the public agency and the juvenile must have a reasonable cause hearing within 48 hours of being placed in secure custody. Time limits exclude weekends and holidays.
<b>Status offender adjudicated for violating a valid court order.<sup>2</sup> (WIC 601 Ward of the court with a true finding of contempt of court and given confinement time)</b>	No restrictions on holding.

<sup>1</sup> Pub. L. No. 93-415 (1974), 42 U.S.C. 5601. For more information on the JJDP A and compliance monitoring, please visit: <http://www.ojjdp.ncjrs.gov/compliance/index.html>

<sup>2</sup> Please see section regarding the VCO process below.

Please be aware that in addition to the JJDPa core requirements, **WIC Sections 601 and 207** also apply to the detention of status offenders.

**Agencies that operate secure juvenile detention facilities are required to complete this report each time a status offender minor (as defined in Section 601 WIC) is held in the facility.**

- A separate report form is to be completed each time a status offender minor is detained.
- Complete and submit this form after the minor has been released.
- If a minor is **committed for consecutive weekends**, complete a **separate report for each individual detention period**. Submit the report each time **after** the minor has been released.
- This form is to be submitted to the Corrections Standards Authority **by the 10<sup>th</sup> of the month** if any status offenders were held and released during the preceding month.
- All sections are to be completed before submission.
- In the spaces provided at the bottom of the form, provide the name and title of the person reporting, the date the report is submitted AND contact information for the reporting person. Please provide the same information for the facility manager.
- Please send completed surveys to the CSA Analyst:
  - By E-mail, to: [Analyst@cdcr.ca.gov](mailto:Analyst@cdcr.ca.gov)
  - By Fax, to **(916) 322-2461**
  - By Mail, to:

Corrections Standards Authority  
Attn: Report Analyst  
600 Bercut Drive  
Sacramento, CA 95811

- Forms may be downloaded from our website at:

[http://www.cdcr.ca.gov/Divisions\\_Boards/CSA/FSO/Status\\_Offenders.html](http://www.cdcr.ca.gov/Divisions_Boards/CSA/FSO/Status_Offenders.html)

- If you have any questions regarding the **2009 Status Offender Detention Report**, please contact Peg Symonik at (916) 323-9704 or e-mail [peg.symonik@cdcr.ca.gov](mailto:peg.symonik@cdcr.ca.gov)

## ***INSTRUCTIONS FOR SURVEY SECTIONS***

### **SECTION A- Facility Information:**

**Name of facility:** Enter the name of your Juvenile Detention Facility.

**County:** Enter the name of your county.

**Type of facility:** Please check the box that applies to your facility type.

### **SECTION B – Minor’s Information:**

**Name of minor:** Enter the name of the detained juvenile.

**County ID #:** Enter the county identifier that could be used for case tracking purposes.

**Intake Date:** Please enter the date of intake (m/d/yy).

**Time of intake:** Please fill in the time (in military time or AM/PM) that the juvenile was booked into your facility.

**Release Date:** Please enter the date of release (m/d/yy).

**Time of release:** Please fill in the time (in military time or AM/PM) that the juvenile was released from your facility.

**Total Time in Secure Detention:** Please check the one box that applies to length of time in secure detention.

### **SECTION C – Type of Status Offense:**

**Legal status of minor at time of intake:** Please check the appropriate box for the status of the minor while in custody.

- If the minor did not go through the court process and was not (or is not currently) adjudged a WIC 601 ward of the court, check the minor as **Accused**.
- If the minor has been **adjudged** a WIC 601 ward of the court due to a status offense, check them as **Adjudicated**.

**Reason for detention:** Please check only one box that properly describes why the minor was in custody. Selected reason for detention must be the sole/main reason for detention.

- If a minor is booked on a **Municipal Code for curfew or truancy**, and **has no other WIC 602 offenses**, please check the appropriate box.
- If the minor is a **runaway**, please select either “**CA resident**,” “**out of state and Interstate Compact filed**” or “**out of state and NO Interstate Compact filed**.” *The JJDPa states that out of state runaways held pursuant to the Interstate Compact are exempt from JJDPa time limits.*

If the minor is a **WIC 601 Ward of the court (adjudicated)** and committed to the **juvenile hall**, please check this selection and attach:

- A copy of the Valid Court Order (VCO) Checklist AND,
- The Minute Order specifying the terms of the court order.
- See the following “**Valid Court Order Exception Summary**” for more information.

**\*Note:** For the “Minor in possession of alcohol” selection, the JJDPa considers this a status offense, even though Section 25662(a) Business and Professions Code classifies this as a delinquent offense in California. If the minor is booked on this charge **and has no other WIC 602 offenses, please check this box.**

**SECTION D – Reporting Information:**

This section requires the name and title of both the reporting person **and** the facility manager. Additionally, please provide the date that the report was submitted and contact information for both the reporting person and the facility manager.

## **VALID COURT ORDER (VCO) EXCEPTION SUMMARY**

Status offenders may only be held in juvenile detention facilities under limited circumstances. There are specific instances where a WIC 601 Ward of the court may be committed to a detention facility. The JJDPa Valid Court Order (VCO) Exception provides that *adjudicated* status offenders (WIC 601 Wards of the court) found to have violated a valid court order and been given full due process rights may be committed to a juvenile detention facility.

The JJDPa defines a valid court order as: *“a court order given by a juvenile court judge to a juvenile who was brought before the court and made subject to such order; and who received, before the issuance of the order, the full due process rights guaranteed to such juvenile by the Constitution of the United States.”*

For the VCO Exception to apply, the JJDPa requires that the following actions occur when a status offender is taken into custody for violating a valid court order:

- An appropriate public agency must be promptly notified that the juvenile is held in custody for violating the order;
- Not later than 24 hours during which the juvenile is held, an authorized representative of the agency shall interview, in person, the juvenile; and
- Not later than 48 hours during which the juvenile is held:
  - The representative must submit an assessment to the court that issued the order regarding the immediate needs of the juvenile; and
  - The court shall conduct a hearing to determine whether there is reasonable cause to believe that the juvenile violated the order and the appropriate placement of the juvenile pending disposition of the alleged violation.

If all of the items listed above were satisfied, the WIC 601 Ward of the court may be held in a juvenile detention center pursuant to the JJDPa, but should not be held any longer than necessary to make an informed disposition.